

Calendar No. 276

105TH CONGRESS }
1st Session

SENATE

{ REPORT
105-141

CENSUS OF AGRICULTURE ACT OF 1997

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 2366

TO TRANSFER TO THE SECRETARY OF AGRICULTURE THE AU-
THORITY TO CONDUCT THE CENSUS OF AGRICULTURE, AND
FOR OTHER PURPOSES



NOVEMBER 7, 1997.—Ordered to be printed

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CONTENTS

	Page
I. Summary and Purpose	1
II. Background	1
III. Legislative History	2
IV. Section-by-Section Analysis	2
V. Estimated Cost of Legislation	4
VI. Evaluation of Regulatory Impact	5
VII. Changes in Existing Law	6

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THE CENSUS OF AGRICULTURE ACT OF 1997

NOVEMBER 7, 1997.—Ordered to be printed

Mr. THOMPSON, from the Committee on Governmental Affairs,
submitted the following

REPORT

[To accompany H.R. 2366]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 2366) to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

I. SUMMARY AND PURPOSE

H.R. 2366, the Census of Agriculture Act of 1997, transfers the authority to take the Census of Agriculture from the Secretary of Commerce to the Secretary of Agriculture.

II. BACKGROUND

Since 1840, the Census of Agriculture has been taken by the Census Bureau. From 1840 until 1920, the Census of Agriculture was conducted once every ten years. From 1920 through 1992, it has been conducted at five-year intervals. (To coordinate the schedule for the Census of Agriculture with economic censuses, it was conducted on a four-year cycle in 1978 and 1982.) Census data collected from the Census of Agriculture provide the only source of consistent, county level statistics on agriculture operations throughout the United States. These data are used to prepare estimates of farm income and production costs, calculate research and extension formula allocations to land grant universities, evaluate agricultural programs and policies, administer farm programs, and plan for operations during disease or pest emergencies. The Farm Credit Administration also uses the data to evaluate farmer loan programs.

The census is also intended to assist Congress in considering legislation, and in overseeing farm programs. The number of farms, a major piece of data resulting from the census, is taken into account in the allocation of funding for several USDA programs.

Data collected from the Census of Agriculture are also used by state and local governments and farm organizations to analyze and develop policies on land use, water use and irrigation, rural development, and farmland assessment. Rural electric companies use such statistics to forecast future energy needs.

With the support of the Departments of Agriculture and Commerce and the Office of Management and Budget, the 1997 Agriculture Appropriations bill transferred funding for the Census of Agriculture from the Commerce Department to the USDA. Funding for the census has been included in the fiscal year 1998 Agriculture Appropriations bill as well. H.R. 2366 completes this transfer of authority. Without a transfer of authority, USDA will have to rely on the Census Bureau for certain steps in the process. Furthermore, granting to the USDA the authority to conduct the Census of Agriculture would be in keeping with data collection and dissemination duties already undertaken by the Department.

III. LEGISLATIVE HISTORY

H.R. 2366 was introduced in the House by Rep. Stenholm (D-TX) on July 31, 1997. This bill is the result of discussions between the Departments of Commerce and Agriculture, the Senate Committee on Governmental Affairs, the Senate Committee on Agriculture, the House Committee on Government Reform and Oversight, and the House Committee on Agriculture. A similar bill, S. 845 (also titled the Census of Agriculture Act of 1977), was introduced in the Senate by Senator Lugar (R-IN) on June 5, 1997.

H.R. 2366 was reported favorably by the House Committee on Agriculture on September 24, 1997 and passed the House under suspension of the rules on October 21, 1997. The House Committee on Government Reform and Oversight discharged H.R. 2366 on October 1, 1997.

The Senate Committee on Governmental Affairs considered H.R. 2366 on November 5, 1997 and ordered it reported, without amendment, by voice vote.

IV. SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE

This Act may be cited as the "Census of Agriculture Act of 1997".

SEC. 2. AUTHORITY OF THE SECRETARY OF AGRICULTURE TO CONDUCT CENSUS OF AGRICULTURE

(a) **Census of Agriculture Required.** This subsection requires the Secretary of Agriculture to conduct a census of agriculture beginning in 1998, and every fifth year thereafter.

(b) **Methods.** This subsection permits the Secretary of Agriculture to conduct any survey or collect other information in connection with the census, and to employ any sampling or other statistical method, as the Secretary of Agriculture deems appropriate.

(c) Year of Information. The information collected in each census under this section shall relate to the year immediately preceding the year the census is taken.

(d) Enforcement. This subsection establishes penalties for those who fail to comply with authorized census questions, but exempts certain information (social security number and religious affiliation) from disclosure. Paragraph (1) states that a person over the age of 18 years who willfully gives false information relating to a question authorized by the Secretary of Agriculture to be submitted in a census shall be fined not more than \$500. Paragraph (2) provides that a person over 18 years of age who refuses or willfully neglects to answer a question authorized by the Secretary of Agriculture in connection with a census shall be fined not more than \$100. Paragraph (3) states that the withholding of a person's social security number in connection with a census is not a violation of this subsection. Paragraph (4) provides that notwithstanding any other provision of this section, no person shall be compelled to disclose information relative to that person's religious beliefs or affiliation with a religious entity.

(e) Geographic Coverage. This subsection states that the scope of a census shall include: (1) each of the several States of the U.S.; (2) as determined appropriate by the Secretary of Agriculture, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Marianas Islands, the United States Virgin Islands, and Guam; and (3) with the concurrence of the Secretary of Agriculture and the Secretary of State, any other possession or area over which the U.S. exercises control, jurisdiction, or sovereignty.

(f) Cooperation with the Secretary of Commerce. Paragraph (1) provides that on a written request by the Secretary of Agriculture, the Secretary of Commerce may provide to the Secretary of Agriculture any information collected under title 13 of the U.S. Code that the Secretary of Agriculture considers necessary for the taking of a census or survey. Similarly, paragraph (2) provides that on a written request by the Secretary of Commerce, the Secretary of Agriculture may provide information to the Secretary of Commerce that was collected under this section that the Secretary of Commerce considers necessary for taking a census or survey under title 13 of the U.S. Code. Paragraph (3) states that information obtained pursuant to this subsection may not be used for any purpose other than the statistical purposes for which the information is furnished. For purposes of sections 9 and 214 of title 13 of the U.S. Code, any information provided under paragraph (2) will be considered as furnished under title 13 of the U.S. Code.

(g) Regulations. This subsection authorizes the Secretaries of Agriculture and Commerce to issue regulations necessary to carry out this section, to the extent that the regulation concerns a matter under their jurisdiction, by the respective Secretary involved.

SEC. 3. REPEAL OF SUPERSEDED PROVISIONS

This section amends and repeals portions of title 13, United States Code and portions of title 7, United States Code.

(a) Repeal. This subsection repeals Section 142 of title 13, United States Code which had assigned to the Secretary of Commerce the

duties relating to the taking of a census of agriculture which are assigned to the Secretary of Agriculture by section 2 of this Act.

(b) Clerical Amendments. This subsection makes clerical amendments to Subchapter II of chapter 5 of title 13, United States Code in paragraph (1) of the Act by striking the existing subheading and replacing it with a new subheading entitled "SUBCHAPTER II—POPULATION, HOUSING AND UNEMPLOYMENT." Paragraph (2) amends the analysis included in chapter 5 of title 13, United States Code by deleting the reference to section 142 repealed by subsection (a) of Section 3 of this Act, and by striking the reference to the existing heading for subchapter II and inserting the new subchapter heading added by subsection (b)(1) of this section.

(c) Cross Reference. This subsection amends section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act by striking the reference to section 142 of title 13, United States Code, which had required the Secretary of Commerce to conduct a national census of agriculture.

(d) Effective Date. This subsection makes the effective date of this section of the Act October 1, 1998.

SEC. 4. CONFIDENTIALITY OF INFORMATION

This section makes technical changes to title 13, United States Code and the Food Security Act of 1985, title 7, United States Code.

(a) Information Provided to Secretary of Agriculture. Paragraph (1) of this subsection grants the Secretary of Commerce the authority to provide information to the Secretary of Agriculture pursuant to section 2(f) of this Act. Paragraph (2) amends section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) by adding a new paragraph, (10), which includes section (2) of this Act as a provision of law covered by the provisions of the Food Security Act of 1985 limiting the disclosure of information.

(b) Information provided to Secretary of Commerce. This subsection amends section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) by adding a new subsection (e), which specifies that the prohibitions on the disclosure of information contained in the Food Security Act of 1985 do not prohibit the Secretary of Agriculture from releasing information gathered under section 2(f)(2) of this Act to the Secretary of Commerce.

V. ESTIMATED COST OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 5, 1997.

Hon. FRED D. THOMPSON,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2366, the Census of Agriculture Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Dave Hull and Rachel Forward.

Sincerely,

JUNE E. O'NEILL, *Director*.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2366—Census of Agriculture Act of 1997

The Congressional Budget Office has reviewed H.R. 2366, the Census of Agriculture Act of 1997, as ordered reported by the Senate Committee on Governmental Affairs on November 5, 1997. CBO estimates that enacting H.R. 2366 would have no significant budgetary impact. Because H.R. 2366 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

In addition, H.R. 2366 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

The census of agriculture is a periodic census providing comprehensive data on the agricultural economy, such as the number, value, and size of farms, the value of production, and characteristics of farms and farm operators. In the past, the census of agriculture was conducted by the Department of Commerce, but appropriations were provided and personnel were transferred for this purpose to the U.S. Department of Agriculture starting in fiscal year 1997. The act would require the Secretary of Agriculture to conduct a census of agriculture in 1998 and in every fifth year thereafter, and would provide for facilitating changes, such as the sharing of information between the Secretary of Commerce and the Secretary of Agriculture. Because H.R. 2366 would not affect the frequency and scope of the census, it would have no significant effect on the cost of conducting it.

On October 1, 1997, CBO prepared an estimate of an identical version of H.R. 2366, as ordered reported by the House Committee on Agriculture. The estimate is unchanged.

The CBO staff contacts for this estimate are Dave Hull and Rachel Forward. The estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

VI. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory and paperwork impact of H.R. 2366, as well as the impact of the bill on personal privacy. The effect of the bill is to transfer existing authority for conducting the Census of Agriculture from the Department of Commerce to the Department of Agriculture. The bill does not create new regulatory and paperwork impacts or additional impacts on the privacy of individuals. The bill will have no significant impact on paperwork or individual privacy beyond those imposed by existing law.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 13, UNITED STATES CODE

* * * * *

CHAPTER 1—ADMINISTRATION

Subchapter I—General Provisions

* * * * *

9. Information as confidential; exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison, may, except as provided in section 8 or 16 or chapter 10 of this title *or section 2(f) of the Census of Agriculture Act of 1997—*

(1) * * *

* * * * *

CHAPTER 5—CENSUSES

* * * * *

[Subchapter II—Population, Housing, Agriculture, Irrigation, and Unemployment]

Subchapter II—Population, Housing, and Unemployment

* * * * *

[142. Agriculture and irrigation.]

* * * * *

[Subchapter II—Population, Housing, Agriculture, Irrigation, and Unemployment]

Subchapter II—Population, Housing, and Unemployment

* * * * *

[142. Agriculture and irrigation]

[(a) The Secretary shall in 1979, in 1983, and in every fifth year beginning after 1983, take a census of agriculture.

[(b) In conjunction with the census to be taken under subsection (a) of this section in 1979, in 1988, and every tenth year beginning after 1988, the Secretary shall take a census of irrigation and.

[(c) The data collected in each of the censuses taken under this section shall relate to the year immediately preceding the year in which such census is taken.]

* * * * *

SECTION 343 OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

SEC. 343. (a) As used in this title:

(1) * * *

* * * * *

(11) The term “qualified beginning farmer or rancher” means an applicant, regardless of whether the applicant is participating in a program under section 310E—

(A) * * *

* * * * *

(F) who does not own land or who, directly or through interests in family farm corporations, owns land, the aggregate acreage of which does not exceed 25 percent of the median acreage of the farms or ranches, as the case may be, in the county in which the farm or ranch operations of the applicant are located, as reported in the most recent census of agriculture [taken under section 142 of title 13, United States Code], except that this subparagraph shall not apply to a loan made or guaranteed under subtitle B; and

* * * * *

SECTION 1770 OF THE FOOD SECURITY ACT OF 1985

CONFIDENTIALITY OF INFORMATION

SEC. 1770. (a) * * *

* * * * *

(d) For purposes of this section, a provision of law referred to in this subsection means—

(1) * * *

* * * * *

(8) section 4 of the Act entitled “an Act to establish the Department of Commerce and Labor”, approved February 14, 1903 (15 U.S.C. 1516); [or]

(9) section 2 of the joint resolution entitled “Joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent”, approved June 16, 1976 (15 U.S.C. 1516a)[.] ; or

(10) section 2 of the *Census of Agriculture Act of 1997*.

(e) *Information Provided to Secretary of Commerce.—This section shall not prohibit the release of information under section 2(f)(2) of the Census of Agriculture Act of 1997.*